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House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

HOUSE BILL 2028

AN ACT

ESTABLISHING THE SCHOOL DISTRICT REDISTRICTING COMMISSION; PROVIDING FOR
CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. School district redistricting commission;
3 membership; duties

4 A. The school district redistricting commission is established
5 consisting of the following members:

6 1. Four members who are appointed by the president of the senate, no
7 more than three of whom shall be members of the same political party.

8 2. Four members who are appointed by the speaker of the house of
9 representatives, no more than three of whom shall be members of the same
10 political party.

11 3. Four members who are appointed by the governor, at least one of
12 these members shall be a certified teacher in this state, at least one of
13 these members shall be an administrator of a school in this state and at
14 least one of these members shall be a member of a school district governing
15 board in this state.

16 4. The superintendent of public instruction, or the superintendent's
17 designee.

18 B. The commission shall elect a chairperson and a cochairperson from
19 the voting members. A quorum shall consist of a majority of the voting
20 members.

21 C. The department of education shall provide staff for the commission,
22 and the joint legislative budget committee, the governor's office of
23 strategic planning and budgeting, the school facilities board, any county
24 school superintendents in this state and any county assessor in this state
25 shall provide staff support, assistance and resources to the commission at
26 the request of the commission.

27 D. Commission members are not eligible to receive compensation, but
28 members are eligible for reimbursement of expenses under title 38, chapter 4,
29 article 2, Arizona Revised Statutes. Monies shall be paid from
30 appropriations made to the department of education.

31 E. The commission, after considering all relevant academic research,
32 shall design and submit to the governor on or before December 31, 2005 a
33 proposed school district unification plan that includes the following
34 components:

35 1. Basing the unification plan on relevant academic and scientific
36 research regarding school size and school district size.

37 2. Considering geographic boundaries and travel time of pupils.

38 3. Reviewing unorganized territories and developing a plan for
39 unorganized territories to be included within the boundaries of a school
40 district. The plan shall only consider unorganized territories that have
41 school age pupils that attend school districts through certificates of
42 educational convenience.

43 4. The provision of regional services for administration,
44 instructional and noninstructional support services to rural or isolated
45 schools and school districts.

1 5. Ensuring a smooth and efficient transition from the current number
2 of school districts in this state to the number of school districts proposed
3 in the school district unification plan, including an examination of the
4 following:

5 (a) Increasing the membership of school district governing boards to
6 nine members, especially in large school districts and school districts
7 located in urban areas. The commission shall recommend district-wide
8 elections or at-large elections, or both.

9 (b) Mechanisms to allow the elected members of existing school
10 district governing boards to serve out the remainder of their terms.

11 6. Increasing the role of the school district governing board to
12 emphasize specified oversight and appeals activities in order to achieve the
13 following goals:

14 (a) To allow the governing boards to serve as the public's advocates
15 in the educational system.

16 (b) To allow governing boards to exercise fiduciary responsibility
17 toward citizens and taxpayers.

18 (c) To allow governing board members to operate as a check and balance
19 for local school administrators.

20 7. The development by the superintendent of public instruction of a
21 superintendent's institute to provide continuing education to school district
22 administrators in the areas of staff development, classroom management and
23 technology-assisted instruction.

24 8. The identification of the maximum efficiency level of
25 administration for districts of various sizes, by academic or support service
26 function, and the development of corresponding administrative standards with
27 which school districts shall be required to comply.

28 9. The development of a statewide uniform school district naming
29 convention where each school district would be assigned a legal designation
30 by county and school district number.

31 10. The establishment of regional educational service agencies managed
32 by county school superintendents to provide for the noninstructional support
33 of school districts in the county.

34 11. The requirement that each school district provide an annual
35 cost-benefit analysis concerning the outsourcing of all noninstructional
36 functions of the school district.

37 12. The restructuring of the state's school districts as follows:

38 (a) All school districts in this state shall be unified districts that
39 serve students in all grades from kindergarten through grade twelve.

40 (b) School districts shall be classified as rural unified school
41 districts if their student count is less than five hundred.

42 (c) School districts shall be classified as independent unified school
43 districts if their student count is more than six thousand.

44 (d) The elimination of statutory budget exemptions for school
45 districts with a student count of less than one hundred twenty-five.

1 (e) The implementation of statutory provisions that require taxpayer
2 approval for all school district bond issues and school district budget
3 overrides.

4 (f) School districts that currently participate in the accounting
5 responsibility program prescribed in section 15-914.01, Arizona Revised
6 Statutes, shall be required to use the fiscal management services that the
7 county school superintendent provides.

8 13. Ensuring that the unification plan preserves local control while at
9 the same time maximizing an efficient and cost-effective delivery of
10 educational services.

11 14. Providing specific mechanisms for the payment of capital debt and
12 overrides previously accumulated by school districts before the
13 implementation of the unification plan and the acquisition of capital debt
14 and overrides by school districts after the implementation of the unification
15 plan.

16 F. A school district that is unified under a school district plan
17 adopted by the commission is not eligible for unification assistance pursuant
18 to section 15-912.01, Arizona Revised Statutes.

19 G. The commission shall hold public hearings and hear testimony
20 regarding the unification of every affected school district. Hearings shall
21 be held throughout the state and shall include rural school districts. The
22 commission shall provide notice to the public at least three weeks in advance
23 of any hearing in the local district offices and in the local newspapers.

24 H. The governor shall sign the report submitted by the commission and
25 shall file the report with the secretary of state.

26 I. Each county school superintendent in a county with a school
27 district that is affected by the proposed school district unification plan
28 submitted by the commission shall call an election of all qualified voters
29 within the boundaries of the proposed unified school district to be held at
30 the next general election to adopt the boundaries as proposed by the
31 commission. The county school superintendent shall prepare a public pamphlet
32 that shall be submitted to all registered voters in the affected school
33 districts no later than thirty-five days before the election. A copy of the
34 publicity pamphlet shall be submitted by the county school superintendent to
35 the governor, the president of the senate and the speaker of the house of
36 representatives.

37 J. If the election pursuant to subsection I of this section is to
38 create a unified district under the current boundaries of a common or high
39 school district, the election ballot shall contain the following language:

40 Do you support the unification of the (insert name of
41 school district affected), a political subdivision of the State
42 of Arizona, to become a unified school district to provide
43 instruction in preschool programs for pupils with a disability
44 and in kindergarten and grades one through twelve? Yes ()
45 No ()

1 A yes vote shall have the effect of approving the
2 unification of the _____ school district.

3 A no vote shall have the effect of denying the unification
4 of the _____ school district.

5 K. If the election pursuant to subsection I of this section is to
6 create a unified district that does not follow current boundaries of a common
7 or high school district or if the unification is for more than one district
8 affected, the election ballot shall contain the following language:

9 Do you support the unification of the (insert names of
10 school districts affected), as political subdivisions of the
11 State of Arizona, to become a unified school district to provide
12 instruction in preschool programs for pupils with a disability
13 and in kindergarten and grades one through twelve? Yes ()
14 No ()

15 A yes vote shall have the effect of approving the
16 unification of the (insert names of school districts affected)
17 into the (name of proposed unified school district).

18 A no vote shall have the effect of denying the unification
19 of the (insert names of school districts affected) into the
20 (name of proposed unified school district).

21 L. The legislature shall not appropriate any monies for use by the
22 school district redistricting commission pursuant to this section.

23 Sec. 2. Delayed repeal

24 This act is repealed from and after December 31, 2007.